



STATE OF CALIFORNIA  
DEPARTMENT OF FOOD AND  
AGRICULTURE  
1220 N Street, Room A-372  
Sacramento, CA 95814

## PHYTOSANITARY ADVISORY

NO. 3-2004

DATE: March 26, 2004  
TO: All County Agricultural Commissioners  
FROM: Plant Health and Pest Prevention Services  
SUBJECT: Statewide Federal Quarantine for Sudden Oak Death

Effective Monday, March 29, 2004, the Federal Domestic Quarantine for *Phytophthora ramorum* (CFR 301.92) will be revised to regulate the entire State of California. This action is due to the detection of *P. ramorum* in two nurseries outside of the currently regulated area, and to prevent the interstate movement of infected plant material. The revised federal quarantine will distinguish between the infested and non-infested areas of the state, and the only regulated articles in the non-infested area will be nursery stock of hosts and associated hosts for *P. ramorum* (see list of regulated articles in Exhibit A2 attached).

**The regulated, infested area** of the state will be the 12 counties currently regulated by the state regulation (CCR 3700). Certification for interstate shipments of nursery stock and other regulated articles from the infested area will not be changed in the revised Federal Domestic Quarantine. Certification for intrastate movement of regulated articles is still required.

**The regulated, non-infested area** of the state will be the other 46 counties in the state where *P. ramorum* has not been detected in the environment. Certification for interstate shipments of regulated plants from the regulated, non-infested area will be based on a visual inspection for symptoms of Sudden Oak Death (SOD).

### Inspection protocol for nurseries in non-infested, regulated area:

- If symptoms of SOD are not detected, the nursery or shipment will be certified for interstate movement.
- If symptoms of SOD are detected, a Nursery Stock Hold Notice will be issued and samples will be taken and submitted to the CDFA Plant Pest Diagnostics Laboratory.
  - If laboratory results are negative, the nursery or shipment will be certified for interstate movement.
  - If laboratory results are positive, eradication of the infection must be completed following the USDA Federal Infested Nursery Protocol.

### Method of certification:

Nurseries in the regulated, non-infested area may enter into a compliance agreement with their County Agricultural Commissioner to be authorized to self-certify interstate shipments of regulated plants. The following documents are attached to this advisory:

- Compliance Agreement for *Phytophthora ramorum* Quarantine Project (used statewide)
- Exhibit A2, Interstate Regulated Nursery Stock
- Exhibit X, Nursery (for use in infested area)
- Federal Certificate Tracking Log (must be maintained by the nursery under compliance)

Nurseries that enter into the compliance agreement above will be allowed to ship regulated plants interstate that originate from other nurseries under certain conditions. The regulated plants must be held and inspected prior to release, or they must be accompanied by certification to meet the state regulation for SOD, if applicable.

All counties should use the following, nine-digit numbering system for the compliance agreements:

First two digits: County number  
Next Seven digits: Nursery License Number (must include the location code)

Attachments

**COOPERATIVE PHYTOPHTHORA RAMORUM QUARANTINE PROJECT  
COMPLIANCE AGREEMENT**

\_\_\_\_\_ **County Agricultural Commissioner / CDFA / USDA**

*[Pursuant to California Food and Agricultural Code Sections 5705, California Code of Regulations Section 3151, Plant Protection Act, Sect 431 (I), Public Law 106-224, and 7 CFR 301.92]*

\_\_\_\_\_ County Agricultural Commissioners Office  
Street Address  
City Address  
Contact – (Agricultural Commissioner)

Compliance Agreement Number:			
Establishment Name:			
Manager Name:			
Mailing Address:			
Street	City	County	Zip
Phone: (____) ____ - ____		E-Mail: _____@_____	
Fax: (____) ____ - ____			
Thos. Bros:		Latitude:	
Cross Street:		Longitude:	

**Parties:**

The California Department of Food and Agriculture (CDFA), the United States Department of Agriculture (USDA), and the \_\_\_\_\_ County Agricultural Commissioner, cooperating as the Phytophthora Ramorum Quarantine Project

Project Officer:
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Business/Establishment

Establishment Name: (subsequently referred to as "Establishment")

**BACKGROUND:**

The causal pathogen, Phytophthora ramorum, of "Sudden Oak Death (SOD)" presents a real and ongoing threat to the agricultural industry, environment and economy of the State of California. Movement of regulated articles and commodities is a recognized channel for the spread of SOD from established areas to new locations. The Phytophthora Ramorum Quarantine Project is a cooperative effort between public entities that are responsible for mitigating the

movement of SOD from regulated areas where the disease may be established to new locations. Your establishment is located within a regulated area or is receiving regulated articles from a regulated area.

**AGREEMENT:**

**A.** The Phytophthora Ramorum Quarantine Project, hereafter referred to as the Project, will permit your establishment to self-execute the regulatory requirements attached as exhibits checked below, inclusive and incorporated into this agreement by reference as if fully set out. The exhibits checked below are binding (check all that apply):

☒ Exhibit A2 – Interstate Regulated Nursery Stock

☐ Exhibit X – Nursery (Uninfested County)

**B.** In exchange for the Project's promise contained in sub-paragraph "A" above, the Establishment agrees to abide by the following rules and regulations:

1. Handle, process, and/or move regulated articles in accordance with the regulatory requirements;
2. Follow the Project's instructions regarding the use of all permits and certificates;
3. Maintain and make such records as the Project requires, accessible for inspection upon reasonable notice by the Project Officer. These records shall be maintained for a period of the later of 2 years or the resolution of any outstanding claims.

**C.** This agreement becomes effective on signing and shall remain in effect until canceled by either party on 30 days notice to the other at the address of either appearing above. However, the Project may accelerate the notice to immediate for cause, including but not limited to the Establishment's abandonment of the procedures outlined in the attached Exhibit(s).

**D.** Establishment assumes liability, if any, arising from the manner in which Establishment sells, handles or distributes any regulated host material.

**NOTICE:** Any signatory or employee of any signatory who violates the terms of this Compliance Agreement may be subject to Civil Penalties pursuant to California Food and Agricultural Code Section 5705, and 7 Code of Federal Regulations 301.92, Plant Protection Act, Sec. 431 (I), Public Law 106-224.

Signed in the County of _____ in the State of California on ____/____/2002	
Establishment by: (print name)	Phytophthora Ramorum Quarantine Project by: (print name)
Manager/Owner (signature):	Project Officer (signature):

## Exhibit A2: Interstate Regulated Nursery Stock

**For the most current information see:**

**Federal regulation:** 7 CFR 301.92 ([www.aphis.usda.gov/ppq/ispm/sod](http://www.aphis.usda.gov/ppq/ispm/sod))

**Regulated Articles:** The following listed plant species are regulated in whole or in part.

<b>Scientific Name (28)</b>	<b>Common Name</b>
<i>Acer macrophyllum</i>	Bigleaf maple
<i>Aesculus californica</i>	California buckeye
<i>Arbutus menziesii</i>	Madrone
<i>Arctostaphylos manzanita</i>	Manzanita
<i>Camellia japonica</i>	Japanese camellia
<i>Camellia sasanqua</i>	Sasanqua camellia
<i>Hamamelis virginiana</i>	Witch hazel
<i>Heteromeles arbutifolia</i>	Toyon
<i>Lithocarpus densiflorus</i>	Tanoak
<i>Lonicera hispidula</i>	California honeysuckle
<i>Pieris formosa</i>	Himalaya pieris
<i>Pieris formosa x japonica</i>	Pieris 'Forest Flame'
<i>Pieris floribunda x japonica</i>	Pieris 'Brouwer's Beauty'
<i>Pieris japonica</i>	Japanese pieris
<i>Pseudotsuga menziesii</i> var. <i>menziesii</i>	Douglas-fir
<i>Quercus agrifolia</i>	Coast live oak
<i>Quercus chrysolepis</i>	Canyon live oak
<i>Quercus kelloggii</i>	California black oak
<i>Quercus parvula</i> v. <i>shrevei</i>	Shreve oak
<i>Rhamnus californica</i>	California coffeeberry
<i>Rhododendron</i> spp	Rhododendron, including Azalea
<i>Sequoia sempervirens</i>	Coast redwood
<i>Trientalis latifolia</i>	Western starflower
<i>Umbellularia californica</i>	California bay laurel, pepperwood, Oregon myrtle
<i>Vaccinium ovatum</i>	Evergreen huckleberry
<i>Viburnum x bodnantense</i>	Bodnant viburnum
<i>Viburnum plicatum</i> var. <i>tomentosum</i>	Doublefile viburnum
<i>Viburnum tinus</i>	Laurustinus

<b>Scientific Name (31)</b>	<b>Common Name, Date &amp; Source of Report</b>
<i>Abies grandis</i>	Grand fir – June 03 (1)
<i>Aesculus hippocastanum</i>	Horse-chestnut – Dec 03 (3)
<i>Arbutus unedo</i>	Strawberry tree – Dec 02 (7)
<i>Camellia reticulate</i>	Oct 03 (3)
<i>Camellia x williamsii</i>	Oct 03 (3)
<i>Castanea sativa</i>	Sweet Chestnut Feb 04 (3)
<i>Corylus cornuta</i>	California hazelnut – Dec 02 (5)
<i>Fagus sylvatica</i>	European beech – Dec 03 (3)
<i>Kalmia latifolia</i>	Mountain laurel – Fall 02 (3)
<i>Leucothoe fontanesiana</i>	Drooping leucothoe Oct 03 (3)
<i>Pieris formosa</i> var. <i>forrestii</i>	Chinese pieris Oct 03 (3)
<i>Pieris formosa</i> var. <i>forrestii</i> x <i>Pieris japonica</i>	Oct 03 (3)
<i>Pittosporum undulatum</i>	Victorian box – Dec 02 (6)
<i>Quercus sativa</i>	European turkey oak Feb 04 (3)
<i>Quercus falcate</i>	Southern red oak – Nov 03 (3)
<i>Quercus ilex</i>	Holm oak – Dec 03 (3)
<i>Quercus rubra</i>	Northern red oak – Nov 03 (8)
<i>Rhamnus purshiana</i>	Cascara – Dec 02 (4)
<i>Rosa gymnocarpa</i>	Wood rose – Mar 04 (6)
<i>Rubus spectabilis</i>	Salmonberry – Dec 02 (4)
<i>Syringa vulgaris</i>	Lilac – 2003 (3) updated Oct 03
<i>Taxus baccata</i>	European yew (3)
<i>Toxicodendron diversiloba</i>	Poison oak – Dec 02 (4)
<i>Vaccinium vitis-idaea</i>	Lingonberry – Poland, 2002 (reported by 3)
<i>Viburnum davidii</i>	David viburnum Oct 03 (3)
<i>Viburnum farreri</i> (= <i>V. fragrans</i> )	Fragrant viburnum Oct 03 (3)
<i>Viburnum lantana</i>	Wayfaringtree viburnum Oct 03 (3)
<i>Viburnum opulus</i>	European cranberrybush viburnum Oct 03 (3)
<i>Viburnum x burkwoodii</i>	Burkwood viburnum Oct 03 (3)
<i>Viburnum x carlcephalum</i> x <i>V. utile</i>	Oct 03 (3)
<i>Viburnum x pragense</i>	Prague viburnum Oct 03 (3)

<sup>1</sup> California Department of Food and Agriculture

<sup>2</sup> Oregon Department of Agriculture

<sup>3</sup> Department for Environment, Food, and Rural Affairs, UK

<sup>4</sup> Everett Hanson, Oregon State University

<sup>5</sup> David Rizzo, University of California – Davis

<sup>6</sup> Mateo Garbelotto, University of California - Berkeley

<sup>7</sup> Eduardo Moralejo, Instituto Mediterráneo de Estudios Avanzados, IMEDEA (CSIC-UIB) - Balearic Islands, Spain

<sup>8</sup> Plant Protection Service, Wageningen, Netherlands

**EXHIBIT X- NURSERY (UNINFESTED COUNTY)**

**Provisions for the Interstate Movement of Listed Plants of Nursery Stock:**

Establishment agrees to the following:

**1. Inspection of Nursery**

Establishment shall allow the Project to perform inspections and sampling on listed plants (see Exhibit A2).

**2. Shipping Period**

Establishment may move listed plants interstate from the date the above inspection is completed, including laboratory analysis of symptomatic plant material, until directed otherwise by the Project.

**3. Receipt and Reshipping**

Establishment may receive listed plants originating from other sources, and move them interstate under the following conditions:

- A) The listed plants originated outside the regulated area and are accompanied by a receipt or bill of lading, or
- B) The listed plants originated within the regulated area and are accompanied by appropriate\* quarantine certification, or
- C) The listed plants originated within the regulated area and are not accompanied by appropriate quarantine certification and:
  - 1) The Establishment notifies the Project within one working day of receipt of the shipment, and
  - 2) The Establishment safeguards, segregates, and holds the listed plants off-sale until they are inspected and released by the Project

**4. Restriction on Sources of Regulated Articles**

Establishment may only receive listed plants from other sources under the following conditions:

- A) The listed plants originated outside the regulated area and are accompanied by a receipt or bill of lading, or
- B) The listed plants originated within the regulated area and are accompanied by appropriate\* quarantine certification, or
- C) The uncertified listed plants originated within the regulated area, and:
  - 1) The Establishment notifies the Project within one working day of receipt of the shipment, and
  - 2) The Establishment safeguards, segregates, and holds the listed plants off-sale until they are inspected and released by the Project.

## EXHIBIT X- NURSERY (UNINFESTED COUNTY)

### 5. Maintain Identity

Establishment shall maintain the identity of all listed plants that are in compliance with Provisions 1. Establishment shall maintain the identity of all listed plants that originated from other sources that are in compliance with provisions 3A or 3B.

### 6. Quarantine Certification

The Establishment shall ensure that appropriate quarantine certification accompanies each shipment of listed plants moved out of the regulated area. Listed plants may only be moved out of the regulated area when in accordance with the above provisions and 7 CFR 301.92.

Establishment may provide appropriate quarantine certification for listed plants moved within the regulated area when the listed plants have been inspected in accordance with Provision 1.

### 7. Records

Establishment shall maintain production records or records of receipt for all listed plants moved out of the regulated area. Establishment shall maintain records, as directed by the Project, on each shipment of listed plants moved out of the regulated area. Establishment shall provide such records to the Project Officer once every 30 days, or as specified by the Project Officer. Establishment shall allow the Project perform periodic inspections to verify compliance with this Provision.

### 8. Infected Nursery Stock

If any plant within a nursery is found to be infected with *Phytophthora ramorum*, Establishment shall not move any listed plant, out of the regulated area until such time as the Project can determine that the nursery is free of *Phytophthora ramorum*.

### 9. Notice

Establishment shall provide at least 24 hours notice to the Project Officer when requesting an inspection.

\*A California Certificate of Quarantine Compliance or a USDA Form 527 or 540 (certificate or stamp) is an appropriate quarantine certificate.

A California Nursery Stock Certificate is **not** an appropriate quarantine certificate.



## SOD PPQ 527/540 Certificate Issuance Tracking Log

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